

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12346 MLW

MARLOW WILLIAMS, SR.,

Plaintiff

v.

GRANT CALLENDAR, OTIS
HAREWOOD, GREG LONG,
BRIAN ALBERT, EDWARD
MEADE, JOHN CONROY, AND
THE CITY OF BOSTON,
Defendants

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO EXTEND
TIME TO APPEAR IN COURT IN ACCORDANCE WITH FED. R. CIV. P.
16(B) AND LOCAL RULE 16.1 FOR THIRTY DAYS DUE TO ENGAGEMENT
IN TRIAL ON SEPTEMBER 6, 2005 IN MEMPHIS, TENNESSEE**

The Defendants in the above-captioned action hereby oppose the Plaintiff's *Motion to Extend Time To Appear in Court In Accordance With Fed. R. Civ. P. 16(b) and Local Rule 16.1 For Thirty Days Due To Engagement In Trial On September 6, 2005 In Memphis, Tennessee*. Plaintiff, Marlow Williams, seeks a continuance of the hearing date set for September 14, 2005 for Defendants' Motions to Dismiss. The Defendants oppose this Motion and request that this Court deny Plaintiff's Motion. As ground therefore, the Defendants state the following:

1. Notice of the motion to dismiss hearing date of September 14, 2005 was provided to the Plaintiff on or about July 29, 2005;
2. Plaintiff did not file his Motion until August 22, 2005, almost a month following the time notice was provided;
3. Plaintiff contends that following his September 6, 2005 trial in Tennessee, he will be transferred from Tennessee to Massachusetts;

4. Plaintiff, however, has provided no guarantee or any other documentation indicating that such transfer will in effect occur;
5. Plaintiff has provided no affidavits from any corrections officials or any other individual supporting his contention regarding his transfer;
6. Additionally, Plaintiff, has provided no indication that his September 6, 2005 trial has in fact occurred;
7. Plaintiff's attendance at the motion hearing by telephone will be sufficient and provide the Plaintiff with ample opportunity to participate, and Plaintiff has not contended otherwise;
8. In sum, Plaintiff has not provided sufficient cause warranting a continuance of the Defendants' hearing on their Motions to Dismiss.

Based on the foregoing, the Defendants request that this Court deny the Plaintiff's Motion.

Respectfully submitted,
DEFENDANTS, GRANT CALLENDAR,
OTIS HAREWOOD, GREG LONG, BRIAN
ALBERT, EDWARD MEADE, JOHN
CONROY, AND CITY OF BOSTON Merita
A. Hopkins
Corporation Counsel
By its attorneys:

/s/ Helen G. Litsas
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Thomas R. Donohue BBO #643483
Assistant Corporation Counsel
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(617) 635-4023 – Litsas
(617) 635-4039 – Donohue

CERTIFICATE OF SERVICE

I, Helen G. Litsas, hereby certify that on this date I served a copy of the foregoing documents upon: the pro se plaintiff, Marlow Williams, Sr. by postage prepaid, first class, U.S. Mail.

9/9/05 /s/ Helen G. Litsas

Date *Helen G. Litsas*